

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 20-MJ-02016-JFR

STEVEN SILGUERO,

Defendant.

**UNITED STATES' UNOPPOSED MOTION TO EXCLUDE TIME UNDER THE
SPEEDY TRIAL ACT**

The United States hereby moves this Court to exclude time for Speedy Trial Act purposes, specifically, the 30-day time period under 18 U.S.C. § 3161(b) in which an information or indictment must be filed, and the 90-day time period under 18 U.S.C. § 3164(b) for beginning trial for a defendant who is detained solely because the defendant is awaiting trial, and as grounds therefore states:

The United States initiated this case via complaint. Defendant Steven Silguero was arrested on December 29, 2020, and first appeared before the Honorable Jerry H. Ritter on December 31, 2020. Doc. 5. On January 5, 2021, Defendant appeared before the Honorable Laura Fashing for a Preliminary and Detention Hearing. On that date, the Court found probable cause and ordered Defendant be detained pending trial. Doc. 11. On December 21, 2020, this Court issued Administrative Order 20-MC-00004-50, which included a directive that all grand jury proceedings in the District of New Mexico are suspended until at least January 31, 2021. Administrative Order 20-MC-00004-50. This order was entered in response to the current coronavirus pandemic and was based on, among other things, the Centers for Disease Control and Prevention's report that the spread of COVID-19 is considered a pandemic, the President's declaration of a national

emergency, and the New Mexico Governor's declaration of a state of public health emergency. *See id.* at 1.

Notwithstanding Administrative Order 20-MC-00004-50, the United States is continuing to investigate and prosecute this case, and plans to diligently prepare it for indictment, including making arrangements to obtain available witnesses to testify before a grand jury when a grand jury is again in session in the District of New Mexico.

Under the Speedy Trial Act, an indictment or information must be filed within 30 days from the date on which a defendant was arrested. 18 U.S.C. § 3161(b). Further, under 18 U.S.C. § 3164(b), the trial of any person who is detained solely because he or she is awaiting trial must commence no later than 90 days following the beginning of such continuous detention. The Speedy Trial Act, however, excludes from "the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence," any period of delay based on a continuance granted by "any judge" based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h) and (h)(7)(A). The court must set forth "in the record of the case" its reasons supporting such a finding, after considering the factors identified in the statute, among others. *Id.*, § 3161(h)(7)(A) and (B).

Accordingly, to comply with the statute, this Court's administrative order, and public health requirements, the United States respectfully requests that this Court exclude the period of time between the date on which Defendant was arrested, that being December 29, 2020, and the date on which this Court first permits grand juries in the District of New Mexico to resume meeting and proceeding generally, for Speedy Trial Act purposes, specifically, the 30-day time period under 18 U.S.C. § 3161(b) in which an information or indictment must be filed, and the 90-day

time period under 18 U.S.C. § 3164(b) for beginning trial for a defendant who is detained solely because s/he is awaiting trial.

The United States has conferred with Defendant's counsel, Roberto Albertorio, and he does not oppose this Motion.

Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney

/s/ _____
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I HEREBY CERTIFY that I filed the foregoing pleading electronically through the CM/ECF system which caused defense counsel, Roberto Albertorio, to be served by electronic means, as reflected on the Notice of Electronic Filing as indicated therein on January 13, 2021.

/s/ _____
Timothy Trembley
Special Assistant United States Attorney